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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,410	03/12/2007	Shmuel Wolf	15872.017	8811
27887	7590	12/01/2009	EXAMINER	
FENNEMORE CRAIG			KUBELIK, ANNE R	
3003 NORTH CENTRAL AVENUE				
SUITE 2600			ART UNIT	PAPER NUMBER
PHOENIX, AZ 85012			1638	
			MAIL DATE	DELIVERY MODE
			12/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10588410	3/12/2007	WOLF ET AL.	15872.017

FENNEMORE CRAIG
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX, AZ 85012

EXAMINER

Anne R. Kubelik

ART UNIT	PAPER
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1638

20091106

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Request for Information under 37 CFR § 1.105

1. Applicant and the assignee of this application are required under 37 CFR § 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

This request is being made for the following reasons:

Applicant is claiming a watermelon variety with fruit with an average fructose content of at least 60%, a average sucrose content of at least 65% or an average fructose + sucrose content of at least 90%; however, the instant specification is silent about what starting materials and methods were used to produce the varieties in the specification that fall within the scope of these claims (that is, lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6)). The requested information is required to make a meaningful and complete search of the prior art.

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

(i)(a) What were (are) the original parental watermelon lines used to produce lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6)?

(i)(b) Please supply all of the designations/denominations used for the original parental lines and lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6).

(i)(c) For any original parental line not publicly available at the time of filing of the instant application or any provisional application to which benefit is claimed, please supply information pertaining to the lineage of the line(s) back to any publicly available varieties.

(i)(d) Have Plant Variety Protection (PVP) applications been filed on any of the original parental lines? If so, what are the PVP application number(s)?

(ii) What method and method steps were used to produce lines 706-1, 705-5, 742-6, 770-7, 773-5, 334-(1-6), 335-(1-6), 339-(1-6) and 340-(1-6)?

(iii)(a) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, had any of said parental watermelon lines or progeny therefrom been disclosed or made publicly available?

(iii)(b) If so, under what designation/denomination and under what conditions were said parental watermelon lines or progeny disclosed or made publicly available and from when to when?

(iv)(a) At or before the time of filing of the instant application or any provisional application to which benefit is claimed, were any other watermelon lines produced by said method using said original parental watermelon lines?

(iv)(b) If so, had said produced watermelon lines been publicly available or sold?

(iv)(c) If so, under what designation/denomination and under what conditions were said other watermelon lines disclosed or made publicly available and from when to when?

(v)(a) Were patent applications filed disclosing or claiming any watermelon lines produced using said original parental watermelon lines?

(v)(b) If so, under what designation/denomination, and what are the Application numbers?

If Applicant views any or all of the above requested information as a Trade Secret, then Applicant should follow the guidance of MPEP § 724.02 when submitting the requested information. If any part of the response is marked DO NOT SCAN, Applicant is reminded that a cover letter, not so marked, is to be included.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure. Please indicate where the relevant information can be found.

This requirement is subject to the provisions of 37 CFR §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR § 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (571) 272-0801. The examiner can normally be reached Monday through Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Anne R Kubelik/
Primary Examiner, Art Unit 1638


ANNE MARIE GRUNBERG
SUPERVISORY PATENT EXAMINER

Examiner Count Sheet Requirement Under Rule 105

Examiner Name: Anne Kubelik

Art Unit: 1638

Application Number: 10/588410



Requirement for Information Only



*Requirement Attached to Office Action; Count
before and in addition to counting Office Action
on Attached Count Sheet*
